SECTION 16

MATERIALS PROHIBITED FROM DISPOSAL

16.1 SCOPE AND APPLICABILITY

- **16.1.1 Purpose**. These regulations apply to the management and disposal of materials prohibited from land disposal in a solid waste site and facility under authority of CRS Title 30, Article 20, Part 1 and Part 10 and CRS Title 25, Article 17, Part 3. These Section 16 regulations are classified into the following sub-categories:
 - 16.2 Management of Residentially Generated Used Lead-acid Batteries
 - 16.3 Management of Residentially Generated Used Oil
 - 16.4 Management and Disposal of Residentially Generated Waste Tires
 - 16.5 Management of Residentially Generated Waste Electronic Devices.

16.1.2 General Provisions

- (A) Land disposal of residentially generated waste electronic devices, used lead-acid batteries, used oil and waste tires is prohibited. Land disposal includes, but is not limited to, placing, discarding, or otherwise disposing of these wastes:
 - (1) At a solid waste disposal site and facility;
 - (2) At a transfer station;
 - (3) At a hazardous waste treatment, storage or disposal facility;
 - (4) In sewers;
 - (5) In septic tanks;
 - (6) In drainage systems;
 - (7) In surface or groundwaters;
 - (8) In watercourses;
 - (9) In any body of water; or
 - (10) On the ground.

- (B) Placement of these wastes in a receptacle or collection device destined for land disposal, such as a dumpster, is prohibited.
- (C) Acceptance of these wastes at a solid waste disposal site or facility or transfer station is prohibited, except for the purpose of recycling or collection facility operations.
- (D) Each entity affected by this Section must comply with all other applicable Colorado statutes and Regulations of the Department, and with all applicable local zoning laws and ordinances.

16.1.3 Due Diligence Exemption

(A) Individuals

Individuals residing in areas without recycling facilities or collection facilities are given the opportunity to demonstrate a lack of reasonable recycling options. In order to exercise this option, the individual must conduct due diligence to establish that reasonable options are not available. A finding of due diligence shall be based, at a minimum, on an individual's inquiry into local recycling options accomplished by querying the local telephone directory and contacting the county or municipality of residence regarding the availability of local recycling facilities, collection centers, or collection events. In the event that due diligence is exercised and no reasonable recycling option is identified, an individual may dispose of used lead-acid batteries, used oil and/or waste tires in a solid waste disposal site and facility or transfer station. The individual must contact the intended recipient solid waste disposal site and facility or transfer station to make sure that the facility will accept the used lead-acid batteries, used oil, and/or waste tires. Nothing in this Section precludes any solid waste disposal site and facility or transfer station from refusing to accept these items on a site-specific basis.

(B) Solid Waste Disposal Sites and Facilities

Each solid waste disposal site and facility must evaluate any due diligence determinations made by individuals, consistent with waste screening criteria already implemented for other waste streams in accordance with Section 2.1.2 of these Regulations. The individual may be required by the solid waste disposal site and facility to document the due diligence that was performed if such a requirement is identified in the facility's waste characterization plan required in Section 16.6 of these Regulations.

(C) Collection Facilities

Due diligence is only available to individuals; collection facilities are prohibited from the provisions of due diligence under this exemption.

16.2 MANAGEMENT OF RESIDENTIALLY GENERATED USED LEAD-ACID BATTERIES

16.2.1 Used Lead-acid Battery Disposal

- (A) Land disposal of residentially generated used lead-acid batteries is prohibited.
- (B) A person shall manage residentially generated used lead-acid batteries by delivery to one of the following entities:
 - (1) A retailer or wholesaler engaged in used lead-acid battery collection or recycling;
 - (2) A secondary lead smelter;
 - (3) A collection facility engaged in used lead-acid battery collection; or
 - (4) A recycling facility engaged in used lead-acid battery recycling.

16.2.2 Used Lead-acid Battery Management Standards

- (A) A retailer, wholesaler, or collection facility that accepts and stores residentially generated used lead-acid batteries shall manage the batteries in a manner that prevents the release of waste or waste constituents to the environment, as follows:
 - (1) Any used lead-acid battery that shows evidence of leakage, spillage, or damage that could cause leakage, shall be placed in a container. The container must be closed, labeled as to its contents, structurally sound, compatible with the contents of the battery, and must lack evidence of leakage, spillage, or damage that could cause leakage;
 - (2) Batteries that are not leaking and are in good condition must be stored on pallets or in a comparable manner that keeps all batteries off the ground;
 - (3) Batteries stored outside shall be protected from the weather;

- (4) Used lead-acid batteries must be stored in a designated accumulation area indicated by signs, markings, or other identifiers; and
- (5) Any release associated with the storage or recycling of lead-acid batteries must be immediately contained and remediated.
- (B) A retailer, wholesaler, or collection facility that accepts and stores residentially generated used lead-acid batteries in accordance with this Section and also accepts and stores used lead-acid batteries regulated under the Colorado Hazardous Waste Regulations 6 CCR 1007-3, may manage residentially generated used lead-acid batteries in accordance with:
 - (1) Section 16.2.2(A) above;
 - (2) Hazardous waste requirements for Universal Wastes at 6 CCR 1007-3, Part 273; or
 - (3) Hazardous waste requirements for lead-acid batteries being reclaimed in accordance with 6 CCR 1007-3, Part 267, Subpart G.

16.2.3 Retailer Deposit System

Any retailer selling replacement lead-acid batteries may accept from customers used lead-acid batteries of the same general type and in a quantity at least equal to the number of new batteries purchased, if offered by customers. A lead-acid battery retailer that chooses to set up a deposit system may collect a deposit of at least ten dollars on the sale of an automotive-type replacement lead-acid battery not accompanied by the return of a used lead-acid battery. The retailer shall return the deposit if the person who paid the deposit returns a used lead-acid battery to the retailer within thirty (30) calendar days of the date of sale.

16.2.4 Retailer Disposal Options

A retailer accepting used lead-acid batteries from customers in the State shall dispose of said batteries by delivery to one of the following:

- (A) The agent of a lead-acid battery wholesaler or a secondary lead smelter;
- (B) A battery manufacturer for delivery to a secondary lead smelter;
- (C) A collection facility engaged in used lead-acid battery collection; or
- (D) A recycling facility engaged in used lead-acid battery recycling.

16.2.5 Lead-acid battery wholesalers

Any wholesaler selling replacement lead-acid batteries may accept from customers, at the point of transfer, used lead-acid batteries of the same general type and in a quantity at least equal to the number of new batteries purchased, if offered by customers.

16.2.6 Household Hazardous Waste Collection Event Exemption

Residentially generated used lead-acid batteries that are collected during any periodic household hazardous waste collection event (where such wastes are not accepted on a continuous basis) shall be exempt from the standards in 16.2.2, provided that the residentially generated used lead-acid batteries are managed to prevent release to the environment and are transferred from the site within thirty (30) calendar days following each collection event.

16.3 MANAGEMENT OF RESIDENTIALLY GENERATED USED OIL

16.3.1 Used Oil Disposal

- (A) Land disposal of residentially generated used oil is prohibited.
- (B) Notwithstanding Subsection (A) of this Section, a person may dispose of an item or substance that contains de minimis quantities of used oil in a solid waste disposal site and facility under Subsection (A) of this Section if:
 - (1) All oil has been removed from the item or substance to the extent reasonably possible; and
 - (2) No free-flowing oil remains in the item or substance.
- (C) A person shall dispose of used oil by delivery to one of the following entities:
 - (1) A retailer engaged in used oil collection or recycling;
 - (2) A wholesaler engaged in used oil collection or recycling;
 - (3) A collection facility engaged in used oil collection; or
 - (4) A recycling facility engaged in used oil recycling.

- (D) A retailer shall dispose of used oil by delivery to one of the following entities:
 - (1) The agent of a wholesaler engaged in used oil recycling;
 - (2) A collection facility engaged in used oil collection for recycling; or
 - (3) A recycling facility engaged in used oil recycling.

16.3.2 Used Oil Management Standards

A collection facility that accepts and stores residentially generated used oil must manage the oil as follows:

- (A) For transport to an appropriate recycling facility, the collection facility must comply with requirements set forth in the Colorado Hazardous Waste Regulations, 6 CCR 1007-3, Part 279.30 for do-it-yourselfer (DIY) used oil collection centers. Owners or operators of all DIY used oil collection centers must comply with the generator standards in 6 CCR 1007-3, Part 279, Subpart C.
- (B) For the co-mingling of used oil residentially generated by DIY with commercially generated used oil, the collection facility must comply with requirements set forth in the Colorado Hazardous Waste Regulations, 6 CCR 1007-3, Part 279.31 for used oil collection centers.

16.4 MANAGEMENT AND DISPOSAL OF RESIDENTIALLY GENERATED WASTE TIRES

For purposes of this Section, waste tire shall refer to a whole tire, as defined in Section 1.2 of these Regulations and in CRS Title 30, Article 20, Part 10.

16.4.1 Waste Tire Disposal

- (A) Land disposal of residentially generated waste tires is prohibited.
- (B) A person or commercial tire hauler shall dispose of residentially generated waste tires by delivery to one of the following entities:
 - (1) A retailer engaged in waste tire collection or recycling;
 - (2) A wholesaler engaged in waste tire collection or recycling;
 - (3) A waste tire monofill that has a certificate of designation;

- (4) A collection facility engaged in waste tire collection; or
- (5) A recycling facility engaged in waste tire recycling.

16.4.2 Retail Disposal System

A retailer selling replacement tires in the State may accept from customers, at the point of transfer, waste tires of the same general type and in a quantity at least equal to the number of new tires purchased, if offered by customers. A retailer shall dispose of waste tires by delivery to one of the following:

- (A) The agent of a tire wholesaler;
- (B) A collection facility engaged in waste tire collection;
- (C) A recycling facility engaged in waste tire recycling; or
- (D) A waste tire monofill that has a certificate of designation.

16.4.3 Wholesale Disposal System

A wholesaler selling tires in the State may accept from customers, at the point of transfer, waste tires of the same general type and in a quantity at least equal to the number of new tires purchased, if offered by customers. A wholesaler shall dispose of waste tires by delivery of waste tires to:

- (A) A waste tire monofill that has a certificate of designation;
- (B) A collection facility engaged in waste tire collection; or
- (C) A recycling facility engaged in waste tire recycling.

16.4.4 Collection Facility Disposal System

A collection facility shall dispose of waste tires by delivery to a waste tire monofill having a certificate of designation or to a recycling facility engaged in waste tire recycling.

16.4.5 Waste Tire Management Standards

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16.4.6 Household Hazardous Waste Collection Event Exemption

Tires that are collected during any periodic household hazardous waste collection event (where such wastes are not accepted on a continuous basis) shall be exempt from the standards in 16.4.5 provided that the waste tires are transferred from the site within thirty (30) calendar days following each collection event.

16.4.7 Waste Hauler Requirements

Waste haulers must provide notice to their existing customers on or before July 1, 2007, as well as new customers thereafter, that the land disposal of residentially generated used lead-acid batteries, used oil and waste tires is prohibited beginning on July 1, 2007. The notice shall explain the disposal options available under Sections 16.2, 16.3 and 16.4 of these Regulations for these three waste types.

16.4.8 Recordkeeping

Retailers, wholesalers and collection facilities must keep records to demonstrate compliance with this Section. At a minimum, such records shall include documentation of waste types and volumes, annual reports if applicable, and shipping manifests or records of shipment. Records shall be maintained onsite for a minimum of 3 years, or as long as the material remains onsite, whichever is greater.

16.4.9 Inspections

The Department may inspect, in accordance with the provisions of § 30-20-113, C.R.S., retailers, wholesalers, collection facilities and recycling facilities to verify compliance with this Section of the Regulations. As an alternative to physically inspecting the above facilities, the Department may require the above facilities to complete and return a self-certification checklist.

16.5 MANAGEMENT OF RESIDENTIALLY GENERATED WASTE ELECTRONIC DEVICES

16.5.1 Waste Electronic Device Disposal

 (A) Land disposal of residentially generated waste electronic devices is prohibited.

- (B) A person shall manage waste electronic devices by one of the following entities that offers to accept waste electronic devices, including but not limited to:
 - 1) A registered recycling facility, as described in Section 8;
 - 2) A commercial retailer, wholesaler, consignment store, or any business engaged as a collection facility;
 - 3) A city or county household hazardous waste program or collection facility;
 - 4) A temporary residential collection event for electronics recycling; or
 - 5) A producer or retailer mail-back program.

16.5.2 Exemptions

Notwithstanding Subsection (A) of this Section, a person may dispose of a waste electronic device at a solid waste disposal site and facility only following approval by majority vote of the county commissioners exempting residents from this Section 16.5 for no more than a two year period if the county:

- (A) Is unable to meet the minimum access requirements of 16.5.3; and
- (B) Performs the good faith effort requirements of 16.5.4.

16.5.3 Minimum Access Requirements

A board of county commissioners shall only vote to exempt residents from this Section 16.5, if the county does not meet the minimum access to electronics recycling which includes:

- (A) At least two electronic waste recycling collection events per year; or
- (B) An ongoing electronic waste recycling program serving residents of the county.

16.5.4 Good Faith Effort Requirements

(A) A county shall make a good faith effort to establish electronics device recycling within the county prior to voting for an exemption to this Section 16.5.

- (B) A good faith effort shall be documented by the county and include at a minimum:
 - Contacting the Department for assistance or reviewing the Department's webpage for the current list of electronic recycling options available;
 - Contacting at a minimum three registered recycling facilities who collect electronic waste, or recycling and waste associations who assist with collection events;
 - Coordinating with the county landfill or private landfill within the county to serve as an electronic waste collection facility or to perform periodic collection events; and
 - 4) Coordinating with local municipalities within the county for electronic recycling collection events.

16.5.5 Used Electronic Device Management Standards

A retailer, wholesaler, or collection facility not subject to Section 8 that accepts and stores residentially generated waste electronic devices shall manage the used electronic devices in a manner that prevents the release of waste or waste constituents to the environment.

16.5.6 Disposal Site Signage

All solid waste disposal sites and facilities, transfer stations, and waste haulers shall post, in a conspicuous location at the facility, a sign stating that waste electronic devices will not be accepted for land disposal.

16.6 Waste Characterization Plans

Each solid waste site and disposal facility shall amend its waste characterization plan to include waste acceptance procedures designed to minimize the disposal of residentially generated waste electronic devices, used lead-acid batteries, used oil, and waste tires. Such procedures shall be implemented no later than July 1, 2013. Solid waste sites and disposal facilities shall include these waste screening procedures in the waste characterization and disposal plan required by Section 2.1.2(C). The prohibition on disposal of these waste types shall be incorporated into employee training required by Section 2.1.2(B)(3). Any solid waste disposal site and facility in substantial compliance with its waste characterization plan developed pursuant to section 30-20-110 (1) (g), and Section 2.1.2 of the Regulations, shall be deemed to be in compliance with this Section, so long as such waste characterization plan contains waste acceptance

procedures to minimize the disposal of waste electronic devices, lead-acid batteries, used oil, and waste tires consistent with the requirements of this Section.